

KOOTENAI COUNTY
DEPARTMENT OF LEGAL SERVICES
451 GOVERNMENT WAY
P.O. BOX 9000
COEUR D'ALENE, IDAHO 83816-9000
PHONE (208) 446-1620 • FAX (208) 446-1621

ERIKA B. ELLINGSEN

PATRICK M. BRADEN

JOHN A. CAFFERTY

November 15, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743
FAX: 202-418-0307

RECEIVED & INSPECTED

NOV 19 2002

FCC - MAILROOM

RE: WT Docket No. 02-179, Coeur d'Alene Airport's Answers to 2nd Set of
Interrogatories and Requests for Production of Resort Aviation Services, Inc. to
Kootenai County, Coeur d'Alene Airport

Dear **Ms.** Dortch:

Enclosed for filing please find the above-referenced document, with six copies as required by regulation. We attempted to file this document via email on fcc.gov; but because of scanning difficulties with signatures, we are sending it via FEDEX. We appreciate the assistance of Ruth Yancy, of your office, who gave us valuable assistance in filing documents.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Elizabeth A. McCombs".

Elizabeth A. McCombs
Legal Assistance to John A. Cafferty
Senior Staff Attorney

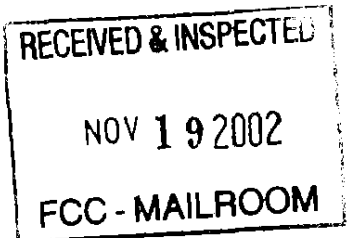
c: Scott Reed, Attorney at Law (FAX 208-765-5117) w/o Atch
Dana Leavitt, Attorney at Law (FAX 202-418-2644 w/o Atch)

Enc.
learn

No. of Exhibits 0+6
List ABOVE

UNIT

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In the Matter of Applications of)	WT DOCKET NO. 02-179
)	
RESORT AVIATION SERVICES,)	COEUR D'ALENE AIRPORT'S
INC..)	ANSWERS TO THE SECOND
)	SET OF INTERROGATORIES AND
)	REQUESTS FOR PRODUCTION
)	OF RESORT AVIATION SERVICES, INC
)	TO KOOTENAI COUNTY, COEUR
)	D'LENE AIRPORT
)	
For Renewal of Aeronautical Advisory)	
Station WYT9, Coeur d'Alene Airport,)	
Hayden. Idaho)	
)	
and)	
)	
KOOTENAI COUNTY)	
COEUR D'ALENE AIRPORT)	
)	
)	
For a New Aeronautical Advisory)	
Station at Coeur d'Alene Airport,)	
Hayden, Idaho)	

TO: FRED M. MILLER, PRESIDENT, RESORT AVIATION SERVICES, INC.
AND YOUR ATTORNEY, SCOTT W. REED

Pursuant to Code of Federal Regulations Title 47, §1.323 and §1.325, written interrogatories and requests for production are hereby served upon Fred W. Miller, President of Resort Aviation Services, Inc

AS provided in §1.323 (b), you are to produce and permit inspection and copying or produce copies of the originals of all designated documents, paper books, accounts, letters, photographs, objects or tangible things in your possession custody or control. As

ORIGINAL

provided in §1.325 (a)(2) you are to produce the documents within ten (10) days of service of this request.

INTERROGATORY NO. 45: In your answer to Interrogatory No. 4 in the last sentence you stated that the certain information “. . .is not available due to certain tenants' nor non-compliance with the reporting requirements, most notably Resort Aviation Services, Inc., (Emphasis supplied).

(a) Identify each occasion by date and description of non-compliance upon which Resort Aviation Services, Inc. did not meet the reporting requirements.

(b) State what action, if any, you took in response to the non-compliance.

ANSWER TO INTERROGATORY NO. 45: Objection. This interrogatory is irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to discovery of relevant, admissible evidence. Further, the requested information will not assist this tribunal in determining the issue properly before it. Without waiving said objection:

(a) To date Resort Aviation Services, Inc. has yet to meet the reporting requirements.

(b) The Coeur d'Alene Airport, Kootenai County, in response to Resort Aviation Services, Inc.'s non-compliance, Kootenai County has repeatedly requested the information and attempted to utilize the non-complying information that was provided by Resort Aviation Services, Inc., see also attached Exhibit "G."

REQUEST FOR PRODUCTION NO. 16:

(a) Please provide copies of every report from Resort Aviation Services, Inc. Aviation Services, Inc. which you believe did not comply with Coeur d'Alene against report requirements.

(b) Other than what may also have been provided in your Exhibit F, please provide copies of every document from the Kootenai County Coeur d'Alene Airport that responded to or are related to the assertion of non-compliance by Resort Aviation Services, Inc.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Objection. This interrogatory is irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to discovery of relevant, admissible evidence. Further, the requested information will not assist this tribunal in determining the issue properly before it. Without waiving said objection:

(a) Presumably, Resort Aviation Services, Inc. has copies of all of its reports that it provided to the Coeur d'Alene Airport. None of those reports which were provided complied with the reporting requirements.

(b) Coeur d'Alene Airport, Kootenai County, is not in the possession of any documents responsive to Request for Production (b).

INTERROGATORY NO. 46: During the entire period of time in which Resort Aviation Services, Inc. Aviation Services, Inc. has held the Unicorn licenses and operated the Unicorn system have there been any occasions in which there were any violations of or breaches of any applicable federal rule, regulation or procedure relating to Unicorn operations?

ANSWER TO INTERROGATORY NO. 46: Objection. This interrogatory is irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to discovery of relevant, admissible evidence. Further, the requested information will not assist this tribunal in determining the issue properly before it. Without waiving said objection, the Coeur d'Alene Airport is not in a position to determine whether or not there were violations of or breaches of any applicable federal rule, regulation or procedure relating to the Unicorn operations.

INTERROGATORY NO. 47: If your answer to Interrogatory No. 46 is affirmative, please provide the following information:

(a) Identify each and every applicable federal rule, regulation or procedure relating to Unicorn that you contend has been violated or breached by Resort Aviation Services, Inc.

(b) Identify all information that you have or that is available to you tending to show a violation or breach of any federal rule, regulation or procedure relating to Unicorn and in so doing, provide these specifics:

- (i) Names of all persons who have personal knowledge of such violations.
- (ii) Date of each violation or violations.
- (iii) Rule, regulation or procedure violated and nature of violation or breach.
- (iv) Reports made by you to Resort Aviation Services, Inc. or anyone else concerning violations or here.

ANSWER TO INTERROGATORY NO. 47: Please see Answer to Interrogatory No. 46.

REQUEST FOR PRODUCTION NO. 7: Please provide for inspection all documents that relate in any manner to your answers to Interrogatory No. 47.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Please see answers to Interrogatory Nos. 46 and **47** above.

INTERROGATORY NO. 48: In your answer to Interrogatory No. **13** you state:

ANSWER TO INTERROGATORY NO. 13: Objection, Kootenai County does not know what Resort Aviation Services, Inc. means by "qualified airport-based operator."

The phrase "qualified airport-based operator" is a quote from your letter of October 28, 2001 (Exhibit 1). At the time you wrote that letter, what did you mean by "qualified airport-based operator?"

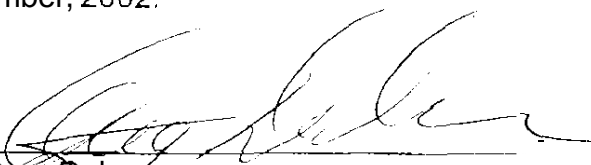
ANSWER TO INTERROGATORY NO. 48: At the time of the writing of Exhibit 1 (attached to Resort Aviation Services, Inc.'s First Set of Interrogatories), Greg Delavan meant that he would like to allow all interested parties who were "qualified airport-based operators" as determined by the FCC to operate the Unicorn license.

INTERROGATORY NO. 49: The last document attached to Exhibit F dated August 24, 2000 attached hereto is an unsigned handwritten letter without a letterhead. Please identify the person who either delivered this letter or is known to you to be the author.

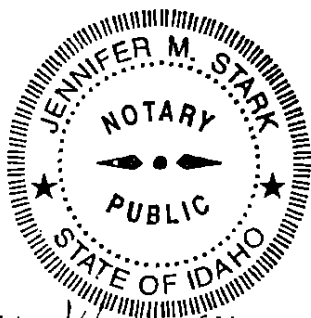
ANSWER TO INTERROGATORY NO. 49: Objection. This interrogatory is irrelevant, overly broad, unduly burdensome, and not reasonably calculated to lead to discovery of relevant, admissible evidence. Further, the requested information will not assist this tribunal in determining the issue properly before it. Without waiving said

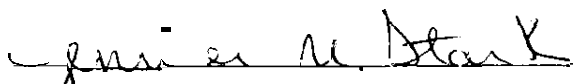
objection, Tom Carlson delivered the letter to the Coeur d'Alene Airport. Presumably,
Tom Carlson authored the letter

Dated this 15 day of November, 2002.



Greg Delavan
Airport Manager

SUBSCRIBED AND SWORN before me, a Notary Public for the State of Idaho, this 15th day of November, 2002.




Notary Public for the State of Idaho
Residing at: Coeur d'Alene, ID
Commission **Expires** 11/1/05

Dated this 14 day of November, 2002.


John A. Cafferty
Attorney for Kootenai County
Coeur d'Alene Airport
P. O. Box 9000/LS
Coeur d'Alene, ID 83816

CERTIFICATE OF SERVICES

John A. Cafferty certifies that he has on this 14 day of November, 2002, sent by the method indicated to:

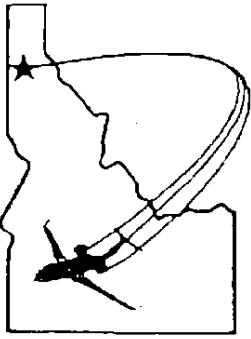
☒ U.S. Mail
☐ HAND DELIVERED
☐ OVERNIGHT MAIL
☒ TELEFAX (FAX)

SCOTT W. REED
ATTORNEY AT LAW
P. O. BOX A
COEUR D'ALENE, ID 83814
FAX (208) 765-5117

DANA LEAVITT
ATTORNEY AT LAW
INVESTIGATIONS AND HEARINGS DIVISION FEDERAL COMMUNICATIONS
COMMISSION 445 12TH STREETS. W. - ROOM 3-B443 WASHINGTON, D. C. 20554
FAX (202) 418-2644

ADMINISTRATIVE LAW JUDGE ARTHUR I. STEINBERG
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, S.W., ROOM I-C861
WASHINGTON, D.C. 20054 FAX (202) 418-0195


JOHN A. CAFFERTY



COEUR D'ALENE AIRPORT

KOOTENAI COUNTY, IDAHO

11401 Airport Drive, Bldg. 27 • Hayden Lake, ID 83835

Phone (208) 772-7838 • Fax (208) 762-3095

E-Mail: kcair@co.kootenai.id.us

facsimile transmittal

To: Tom Hert

Fax: (425)-888-4890

From: Jenny Stark

Date: 06/07/00

Re: Fuel Deliveries

Pages: 1 (including cover)

☐ Urgent

☐ Review

☐ Please Reply

☒ Please Process

☐ Please Recycle

Tom,

Pursuant to our earlier discussion, we are auditing our fuel flowage records and would appreciate the following information be provided from January 1, 2000 through the present. This information can be **faxed**, **mailed** or **emailed** (which ever is most convenient for you).

- 1 To which business the fuel was delivered to at the Coeur d'Alene Airport
- 2 Dates these deliveries were made
- 3 Type of fuel delivered (Jet A or 100LL)
- 4 Number of gallons delivered

Also, would it be **possible** to get the above requested information biannually or will we **need** to request it again at the end of the year? Thank you very much for your help and please call with any questions.

Jenny Stark
Senior Secretary
EXHIBIT G

**western
petroleum
company**

FAX COVER SHEET

FROM: Torr Hert
western petroleum company
380 10th Place NE
North Bend, WA 98045
FAX: (425) 888-4860
Office: (800) 299-8583 .Access Code 03 or (425) 8884890

TO: Jenny Stark
Company: Coeur D'Alene Airport
FAX: (208) 762-3095
DATE: June 15th, 2000

NUMBER PAGES AFTER COVER SHEET:

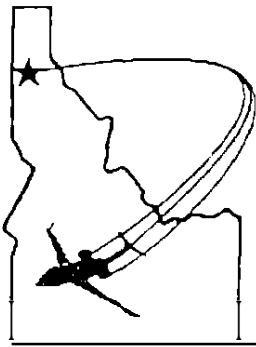
SUBJECT: Fuel Deliveries

MESSAGE:

Jenny,

I am sorry to inform you that I can not provide you the information that you have requested. After talking to my customers, I *have* been informed that this requested information would need to come from an independent auditor and that person or persons would need to sign an disclosure statement concerning the confidentiality of the information. I do not know if this is correct or not, but I have to honor my customers requests.

Thanks
Tom Hert



COEUR D'ALENE AIRPORT

KOOTENAI COUNTY, IDAHO

11401 Airport Drive, Bldg. 27 • Hayden Lake, ID 83835

Phone (208) 772-7838 • Fax (208) 762-3095

E-Mail: kcair@co.kootenai.id.us

file

Memorandum

TO: Dan English,
Clerk/Auditor

FROM: ~~Simon DeMange~~ *[Signature]*

DATE: August 28, 2001

SUBJECT: Fuel Flowage Audit

We recently sent out Release of Information Forms to our tenants who have fuel delivered to their businesses on the Coeur d'Alene Airport. (Copy attached.) These forms authorize the County to contact fuel vendors for information on deliveries, to verify that the reports to us are accurate. The Airport receives \$.05/gallon of all fuel delivered to the Airport and lease provisions authorize the audit of records. The most efficient means of audit is to report upon Sulk delivery and verify through the distributor.

With the exception of Resort Aviation, all other tenants filled out the form and returned them to our office. Resort Aviation refuses to provide us with the information **we** request, and appear to be very confused regarding their compliance requirements. They seem to believe that the assessors office **has** something to do with the process (see attached letter). We would like for your office to audit their records as soon as possible. Resort Aviation recently started receiving fuel from Air BP. Prior to that, their fuel company was Chevron. It would be appropriate to audit at least the last five years and verify through their suppliers.

Please give me a call to discuss this further. Thank you for your assistance

mh

c Dennis Molenaar, Chief Legal Counsel
Board of County Commissioners

**RESORT AVIATION SERVICES, INC.**

P O Box 1018 • 11101 AIRPORT DR
HAYDEN LAKE ID 83635
(208) 772-3731 • FAX 12081772-5632

RECEIVED**AUG 27 2001****COEUR D'ALENE
AIRPORT**

To: Coeur d'Alene Airport
11401 **Airport** Dr. Bldg. # 27
Hayden, ID 83835

August 21, 2001

Subject: Letter Received 8/14/01 - Fuel Flowage Form & Release

We **are** currently sending our fuel flowage report and checks to the **County** Assessors Office, along with "copies of the vendor **Bill** of Lading".

You have requested a duplicate of our fuel flowage report and Bill of Lading report, and a signed authorization for requesting copies of documents from our vendor.

These documents contain proprietary information that is confidential between our company and **its** vendor.

Our Management recognizes that a city/county **may** audit on periodic bases, and **has** cooperated with these government **entities** in their other operations. The **County** Assessor will initiate the audit, which must **and** will be preformed by a State-Licensed, Certified Auditor, and who will sign a non-disclosure statement to our Corporation. We would then authorize our vendor to make available to the Auditor **any** requested information.

You **may** feel free to have the **County Assessor** contact us to set the process in motion.

Thank You,

Kathy Garten
Operations Manager

Cc: Board of Directors

RELEASE OF INFORMATION

I, _____ representing _____, hereby authorize all information regarding the delivery of fuel on to the Coeur d'Alene Airport be provided to Kootenai County as requested for verification of fuel delivery.

Including copies of Bills of Lading, Dates of Delivery, Amounts of Fuel Dispensed, Type of Fuel Delivered, etc.

Fuel Supplier _____
Address _____
Phone _____

Signature and Title

Date

AAL-98-010

Without waiving any other right of action available to the County in the event of default in payment of rental hereunder, in the event the Lessee is delinquent for a period of thirty (30) days or more in paying to the County any rental payable to the County pursuant to this Agreement, Lessee agrees to pay the County a late charge for each such delinquent payment equal to five percent (5 %) of the total twelve months annual rental. Any payments past due more than thirty (30) days shall also have interest added thereon at the rate of ten percent (10%) per annum.

SECTION 3.02 - FIELD USER CHARGES: It is expressly understood that the County may from time-to-time establish field user charges including landing fees, parking fees, fuel flowage fees, and taxiway member fees for use made of the common Airport facilities. Such field user charges shall be payable by the user of such common facilities, in accordance with rules, regulations, ordinances, or resolutions of the County.

SECTION 3.03 - FUEL-FLOWAGE FEE: Lessee agrees to pay, or have paid through its fuel supplying company, any applicable fuel flowage fees established by the County. The flowage fees shall be due and payable either quarterly or by the tenth (10th) day of the month succeeding the month in which the aircraft fuels **were** received by the Lessee and shall be accomplished by a written statement showing, in a manner satisfactory to **the** County, the amount of aircraft fuel delivered to **Lessee** at the Airport. **It is** agreed the Lessor has the right to audit records.

ARTICLE IV

USE OF NONEXCLUSIVE PUBLIC AIRPORT FACILITIES

Lessee and any subtenants or assignees approved by the County shall have the right of nonexclusive use in common with others so authorized, and similarly situated, of all public airport facilities and improvements which are, or are hereafter, provided at the Airport. Such public airport facilities and improvements may be changed, altered, or modified from time-to-time at the discretion of the County; however, such changes **shall** not eliminate or substantially limit Lessee's ability to use its Facility for aviation or other lawful purposes intended **by** this Lease.

Lessee further agrees that its right to use said public facilities and improvements in common with others shall be subject to the **laws**, rules, and regulations of the United States of America, State of Idaho, Kootenai County, Federal Aviation Administration, and other